



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20350-1000

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SECNAVINST 4210.10
ASN(S&L) CAG
18 JUL 1988

SECNAV INSTRUCTION 4210.10

From: Secretary of the Navy

Subj: COMPETITION IN ACQUISITION

Ref: (a) Public Law 98-369, Competition in Contracting Act of 1984 (CICA)
(b) Federal Acquisition Regulation (FAR) System
(c) DoD Directive 4245.9 of 17 Aug 85 (NOTAL)
(d) SECNAVINST 4210.6A (NOTAL)

1. Purpose. To state Department of the Navy policy regarding competition in the acquisition process and to outline responsibilities for supporting this policy.

2. Policy. It is Department of the Navy policy to acquire all goods and services competitively, in accordance with Department of Defense regulations and other applicable regulatory requirements.

3. Background. In July 1983 the Secretary of the Navy established the first Competition Advocate General of the Navy to increase procurement competition. The enactment of reference (a) in 1984, provided a legal mandate that all goods and services for the U.S. Government be procured competitively unless excepted under certain stated conditions. Reference (a) also provided a legal requirement for appointment of an agency competition advocate as well as procuring activity competition advocates. Reference (b) includes provisions for implementing reference (a). Reference (c) addresses competitive acquisitions and outlines responsibilities of competition advocates. Reference (d) enunciates acquisition policy of the Department of the Navy and states that, prior to the decision to proceed to Full Scale Engineering Development, the Department of the Navy Competition Advocate General shall certify that a program's acquisition strategy provides for maximum effective, sustainable competition considering the unique nature of each acquisition. Since implementation of these directives, the Department of the Navy has made significant progress in increasing procurement competition. It has been demonstrated that the most effective application of procurement competition requires close coordination between procuring activity and requiring activity personnel.

4. Applicability. This policy is applicable to all components of the Department of the Navy.



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5. Responsibilities. All personnel in the Department of the Navy who are involved in the acquisition process are responsible to support and employ competitive acquisition in acquiring goods and services. The following specific responsibilities are assigned as set forth below.

a. Competition Advocate General of the Navy--The Competition Advocate General is appointed by the Secretary of the Navy. The duties and responsibilities of the Competition Advocate General include:

(1) Challenging barriers to and promoting full and open competition in the procurement of property and services by the Department of the Navy;

(2) Reviewing the procurement actions of the Department of the Navy for activities relating to competition;

(3) Identifying and reporting the following to the senior procurement executive of the Department of the Navy:

(a) Opportunities and actions taken to achieve full and open competition,

(b) Any condition or action which has the effect of unnecessarily restricting competition,

(c) Any unacceptable non-competitive acquisition strategies set forth in statements of requirements or that arise during subsequent program execution;

(4) Preparing and submitting to the Department of the Navy senior procurement executive an annual report for the Congress on competition as required by statute, describing:

(a) The Competition Advocate General's activities under his duties and responsibilities,

(b) New initiatives required to increase competition,

(c) Barriers to full and open competition that remain, and

(d) Other ways in which the Department of the Navy has emphasized competition;

(5) Recommending to the Department of the Navy senior procurement executive goals and plans for increasing competition where practicable on a fiscal year basis;

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(6) Recommending to the Department of the Navy senior procurement executive a system of personal and organizational accountability for competition, which may include the use of recognition and awards to motivate program managers, contracting officers, and others in authority to promote competition;

(7) As required by reference (d), certifying, prior to each decision for Full Scale Engineering Development (FSED), that the acquisition strategy of the program provides for the maximum effective sustainable competition considering the unique nature of each acquisition.

(8) Providing support to the Secretary of the Navy and (A the Navy Acquisition Executive by acting as ombudsman in the Navy acquisition process to ensure that competition is applied as an effective tool for ensuring fair, open and concerned relationships with the private sector and other government agencies. In exercising this responsibility, the Competition Advocate General will:

(a) Act as the primary focal point in the Navy to assist members of the private sector regarding their expressed concerns or complaints in reference to the manner of application or lack of application of competition in the acquisition process;

(b) Take appropriate action to ensure that valid complaints from the private sector are resolved in a fair and timely manner, and

(c) Have direct access throughout the Navy acquisition community as required to implement the letter and spirit of this directive.

(9) Providing support to the Secretary of the Navy and the Navy Acquisition Executive on the competition aspects of Department of the Navy acquisition.

b. Procuring and Requiring Activity Competition Advocates--
To ensure that emphasis on competitive procurement reflects a coordinated effort with both procuring activity and requiring activity personnel working in concert, (recognizing that the requiring activity role in procurement significantly influences the extent to which competition can be achieved), competition advocates shall be appointed at both procuring and requiring activities. A Procuring Activity Competition Advocate shall be appointed by all Department of the Navy activities exercising procurement authority of more than \$25,000. (For activities exercising procurement authority of \$25,000 or less, appointment of a competition advocate is encouraged.) A Requiring Activity Competition Advocate shall be appointed by all Department of the

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Navy activities with annual procurement requirements in excess of \$1,000,000. Both Procuring and Requiring Activity Competition Advocates shall be appointed in writing by the commanding officer of the activity and delegated sufficient authority to be effective. Neither shall be assigned duties and responsibilities which are inconsistent with the assignment as a competition advocate, and each shall have direct access to the commanding officer in the execution of assigned responsibilities regardless of organizational placement. Both Procuring Activity and Requiring Activity Competition Advocates must work in close coordination and shall be assigned the following responsibilities at a minimum:

(1) Duties of the Procuring Activity Competition Advocate

(a) Coordinating the competition advocacy program of the activity,

(b) Participating in procurement planning and working with the Requiring Activity Competition Advocate to bring about competition,

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(c) Reviewing all non-competitive procurements of the activity above \$25,000 and challenging barriers to full and open competition, including challenging unnecessarily detailed specifications and unnecessarily restrictive statements of need as required by reference (a), and

(d) Acting as approving authority for the written justifications of contracts expected to be awarded using other than full and open competitive procedures if the amount of the contract exceeds \$100,000 but is not greater than \$1,000,000. This authority cannot be further delegated.

(2) Duties of the Requiring Activity Competition Advocate

(a) Coordinating the competition advocacy program of the activity, including;

1. Promoting an early involvement of the requiring activity and program manager in advance planning for competition and in identifying businesses which may be able to meet Navy requirements;

2. Identifying non-competitive requirements projected for each fiscal year and working with the requirement originator and Procuring Activity Competition Advocate to bring about competition;

3. Reviewing of all noncompetitive procurement requirements in excess of \$25,000;

4. Ensuring that opportunities for competition are not lost by restrictive statements of need, or unnecessarily detailed specifications, and

5. In those instances where competition cannot be achieved, working with the requirement originator to prepare written justification for each non-competitive procurement.

c. Contracting Officer--The Contracting Officer is responsible to ensure that goods and services for the Department of the Navy which are obtained under contracts are acquired competitively unless the acquisition qualifies under one of the exceptions to competitive procurement provided for in reference (b). In such cases, the Contracting Officer for the contract justifies in writing the use of such excepted procedures and certifies the accuracy and completeness of the justification. All justifications for contracts using other than competitive procedures not exceeding \$100,000 will be approved in writing at a level above the Contracting Officer unless specifically excepted by reference (b).

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d. Head of Procuring Activity--The Head of Procuring Activity (HPA) shall approve in writing all justifications for contracts expected to be awarded using other than full and open competitive procedures if the amount of the contract exceeds \$1,000,000 but is not greater than \$10,000,000. This approval authority for justifications may be delegated to a flag officer or a member of the Senior Executive Service (SES). Justifications for contract awards using other than full and open competition which are expected to exceed \$10,000,000 shall be approved by the Senior Procurement Executive of the Navy.

e. Program/Project Manager--The program/project manager is responsible to ensure that goods and services which are obtained in support of, or within the scope of, the program/project are acquired competitively unless the acquisition qualifies under one of the exceptions to competitive procurement authorized in reference (b). For procurements under the exceptions to competitive procurement authorized in reference (b), the program/project manager shall:

(1) Fully document the justification for each non-competitive acquisition under an exception;

(2) Outline planned actions to make similar acquisitions competitive in the future, and

(3) Ensure that proper authority has approved the justification for acquisition under the exception.

The program/project manager will ensure that opportunities for competition are not lost by restrictive statements of need, unnecessarily detailed specifications, poor planning, or arbitrary action.

f. Commanding Officer--The Commanding Officer of each procuring or requiring activity retains the ultimate accountability for ensuring that goods and services for the Department of the Navy which are obtained through or for his activity are acquired competitively unless the acquisition qualifies under one of the exceptions to competitive procurement authorized in reference (b).

6. Relationships. The Competition Advocate General is assigned to the Office of the Assistant Secretary of the Navy for Shipbuilding and Logistics and provides direct staff assistance to the Secretary of the Navy, the Navy Acquisition Executive, and the Assistant Secretaries of the Navy in the area of competition advocacy. The Competition Advocate General maintains active liaison with industry and with the Competition Advocate

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Generals of the other services as well as with the competition advocates at procurement and requiring activities throughout the Navy. Except as stated above, the responsibilities of all officials remain unchanged.

7. Report. The reporting requirement contained in paragraph 5a(4) is assigned symbol DD-P&L(A)1644(4210) and is approved for three years from the date of this directive.



H. Lawrence Garrett, III
Under Secretary of the Navy

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